

STATE BOUNTIES FROM CITY LEVIES,  
FAVORING POLITICS AS A TRADE,  
THE ROOT OF THE MUNICIPAL EVILS.

COMMUNISM IN THE CITY GOVERNMENT AN ACCIDENTAL  
INNOVATION, AND A TOOL OF NATIONAL  
PARTIES; ITS ERADICATION  
ESSENTIAL TO

LOCAL SELF RULE  
AND THE GENERAL SAFETY.

ORGANIC MUNICIPAL REFORM CONSISTENT WITH FREE SUFFRAGE  
AND NECESSARY TO PRESERVE IT.

PARTISAN PROTECTION INEFFECTUAL—BI-PARTISANISM  
DELUSIVE—PERSONAL RULE A POLITICAL FRAUD.

BY  
JAMES H. WELSH.

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*"It is not almost credible to foresee, when any maxim or fundamental law of this realm is altered, what dangerous inconveniences do follow."*—COKE, 4 Inst., 41.

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"It is idle to deplore the signs of the times, and to wring the hands in lamentation, instead of putting the shoulder to the wheel and relying on self-exertion for their bettering. It is, indeed, the worst sign of the times when such accents are often heard abroad, and when some new political panacea is being daily proposed as the sovereign cure for every ill. No honest man can ever really believe in the efficacy of such panacea. Every thinking man must feel satisfied that in every age of human affairs there will be a tendency to some abuse of authority, some violation of public and private rights, and some invasion of those old and tried institutions on whose maintenance and permanence must depend prosperity and progress; all which it needs careful, constant watching to repel. The evil to which public attention is now about to be called is a serious one; but it is one which needs no revolution and no political quackery to remedy. Let public attention be once fixed upon it and the evil spirit is exorcised."—*Government by Commissions Illegal and Pernicious. By J. TOULMIN SMITH, Esq., of Lincoln's Inn, Barrister-at-Law. London, 1849.*

"For national and human progress, local self-government forms the surest guarantee, affording as it does so many nurseries where emulation and individual enterprise are sure of bringing forth continual results whose benefits can never be confined to the corner of their birth. Under a system of centralization no idea can diffuse itself unless first made palatable to the, necessarily, self-elected few who guide the great machine, and who are, as necessarily, however honest, the least able to judge of the wants of the community."—*Ibid.*

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## P R E F A C E.

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The better regulation of public order in the City of New York, and the better protection of private interests in it, seem to require the amendment of the charter of the city which these brief pages suggest. The principle advocated has always proved efficacious in numerous other local governments of the State; and no hindrance to its application to the affairs of the city appears more formidable than a lack of confidence in their own resources on the part of those it should most interest. The public and private injuries from this deficiency are enormous; and for these the political leaders of the State who neglect and sacrifice proper local regulation while engaged in national party strifes are mainly responsible. The needed reformation would interfere with their partisan schemes, and their discouragements of it lead many who are well disposed to regard such reform as impracticable; hence the necessity of countervailing their partisan influence in city matters by determined, united efforts. An instance of such discouragement occurred at Tammany Hall recently, when a consultation of the General Committee was held there over the defeat of the Tammany ticket at the city election. The Chairman, and Representative in Congress elect, Hon. Abram S. Hewitt, delivered an address on that occasion, evidently intended for the public, in which he is reported as describing "*this organization as THE ONLY POSSIBLE BARRIER between Order, Property, and Public Decency on the one side, and Crime, Disorder, and Communism on the other;*" and as asserting that "*THE ONLY POSSIBLE CHOICE seems to be between the Regular Democratic Organization, a Vigilance Committee, or a Central Government so strong as to be totally at variance with our ideas of*

*Free Government.*" After counseling submission to the demands of the laborers employed by the city to have their wages increased to a higher rate than is commonly paid for private work, Mr. Hewitt impressively warned "the educated, wealthy, and respectable" (a dangerous political class, as this admonitory Tammany finger seemed to signify), that, after everything done for them by this organization, "*if, from blind prejudice, or cold indifference,*" they "*fail to unite with the industrious, hard working and middle element now controlling Tammany Hall,*" its leaders will be forced, from sheer exhaustion, to give up the struggle against fraud and crime; and the attempt to govern the city on the basis of universal suffrage must be abandoned as the dream of the political enthusiast." The citizens thus indirectly addressed will recognize in this scarecrow their old acquaintance of the Municipal Reform Committee of 1854; of its successor, the Citizens's Association; and of the "Ring" of 1870. It may be thus interpreted: "Be governed by us, who elevate this our gonfalon, or be condemned." Twenty-one years of this kind of pretension, with its consequences of municipal debt, demoralization and dishonor, will doubtless be considered sufficient. It does not seem consistent with the safety of the community that, through this pretension, men shall continue to usurp the offices of measures required for its protection. Nor does it seem consistent with the dignity of those "educated, wealthy, and respectable" citizens subjected to Tammany's censure, that they should blench at repetition of the "Ring's" stale terrorism, of letting loose upon them a Communism nurtured in the public administrations, and in the political interests of those who thus threaten, when their power exerted for a well aimed legislative stroke in the direction of the State's general policy in similar matters would rid them of both pitiful tyrannies forever.

Replying to the criticism of a newspaper of the city, that "Instead of carping at Governor Tilden, it was incumbent on



Senator Conkling to have got in advance of him by pointing out more efficient methods of reform;" the Senator referred to, and who had come from his residence at Utica to advise the voters of the city how they should vote at an approaching election, when members of both branches of the State legislature were to be chosen, could not summon from his vast vocabulary one word in favor of their greatest political requirement: Organic Municipal Reform. "*There is,*" said the Senator to his audience "*but ONE QUESTION presented to you now: it is whether the agencies, the inspirations, and the practices of one political party or of the other shall be accepted by the people, AND PLACED IN TRUSTEESHIP OVER THE GREAT STATE OF NEW YORK.*"

The feeling is general with the citizens that the rule of neither of the leading party organizations in the affairs of the city has for a long time been satisfactory or safe—especially when the two organizations have colluded, which notoriously has often been the case. With all deference, then, to Senator Conkling, it is asserted here in behalf of the citizens, that the ONE QUESTION above all others political before them was, and is, HOW TO PROTECT THEIR MUNICIPAL INTERESTS FROM THE MISDOINGS OF THE TWO GREAT PARTIES IN THE STATE. Their first advance in that direction appears to be to resolve, in the words of General Grant's reported utterance to General Sherman, when the famous "March to the Sea" was in contemplation, that "this Confederacy (of the politicians of the State) is only a shell!" and that it calls for resentment and opposition rather than wonder and submission. If these pages, therefore, indicate the true course for municipal reconstruction, they should admonish the chiefs of the political confederacies to follow it, or the people interested may move in it without them, and thus demonstrate that their leadership may be dispensed with beneficially to the public interests. The great city's political condition is too critical, and affects too nearly the character and prosperity of the whole State, and even of the

Nation, to continue subject to the bold assumptions or specious pretences of mere partisans in New York, Albany, or elsewhere.

The application to the city government of the principle under discussion has already been submitted to the public judgment by the writer, in three letters to the press, printed in the *New York Times*, *Tribune* and *Witness*, of January 5, 1873, and April 10, and September 10, 1875, respectively, without eliciting any adverse public comment. On the contrary, the suggested association of property holders in the city for the execution of works connected with their property, and constructed at their expense, as directed by the public authorities, seemed to meet with the approval of Governor Tilden in his message to the Legislature on municipal affairs, of May 11, 1875. It is hoped that another of the suggestions—a method of organization for the purpose adapted to the city's peculiar condition—shall lead to speedy and satisfactory legislation on the subject. But the writer would insist only on attention to what is here presented as the origin of the city's greatest political detriment—the perversion in its affairs of a principle that the laws of the State have always jealously maintained in the towns and villages—while standing ready to support any means of redress for the palpable inconsistency and wrong indicated as existing, that, after due consideration, shall seem most expedient.

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“The problem of municipal government is agitating the intellect of all civilized peoples. In our own State it is the more interesting and important because it involves the half of all our population, which lives in cities and large villages. The frame work of the system which we should adopt must be entrenched in the fundamental law, and protected by constitutional restrictions from arbitrary and capricious changes by legislation. This problem failed of any solution in the recent amendments to the Constitution. It is worthy of long-continued thought and debate. Time and discussion will at last mature a safe and wise result.”—*Governor Tilden, of New York.*

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“Everywhere the city population is increasing faster than the rural population, and it is believed that municipal power and influence are advancing in a still greater ratio, and in the largest ratio in the largest cities. It is plain, then, that the

real test of our capacity to reach and maintain a high civilization as a nation—that is, to secure purity in private life and honesty in public life—must finally turn on our ability to secure those blessings in the great city. If this be so, the question of securing good government and good morals in the City of New York may be the test question of free institutions in this country.”—*Mayor Vance, of New York City.*

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“How shall we save the Republic from the dangers and frauds of elections as now conducted, especially in the large cities? Fraudulent voting, fraudulent counting, and fraudulent stuffing of ballot boxes in large cities, from New Orleans to Chicago, have come to be practiced as one of the fine arts of legerdemain.\* How shall it be arrested? There must be a remedy for this growing evil, or Republican institutions will prove to be a cheat and a sham. The essence of Republicanism is, that governments derive their just powers from the consent of the governed, and that rulers are chosen by the people. That choice is expressed through the ballot box. If a thousand votes, honestly given by a thousand freemen, are nullified and beaten by a thousand false votes, the ballot box is made to speak, not the truth, but a lie. It no longer speaks the will of the people, but the will of the few who usurp office by fraud. It ceases to be Republican. It becomes an aristocracy of the meanest kind—an aristocracy of swindlers, of cheats, of liars, of traitors to Republican ideas. Of two things, one is certain. Either these frauds at the ballot box must come to an end, or the Republic will perish. If these frauds are successful in large cities they will spread into all the larger towns. Is there no remedy? I answer: Yes, there is; there must be a remedy.”—*Hon. James R. Doolittle, late U. S. Senator from the State of Wisconsin.*

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“A ‘Citizens’ Anti-Commission’ organization has been formed in Boston. It is non-partisan, and its sole object is to oppose any provision in the city charter for commissions, because to the system of commissions it charges the large increase of the city debt.”—*N. Y. Evening Post, Nov. 12, 1875.*

“Cincinnati has a ‘Committee of Public Safety,’ whose duty it is to protect the interests of tax payers, and to propose to the Legislature a plan for the reorganization of the municipal government.”—*Post, Nov. 19.*

\*New York appears to have furnished the example for this decay of Republican institutions in American cities.



[In Philadelphia a prize has been offered, by an association of patriotic citizens, for the best plan presented for the improvement of the municipal government. The counsels of the office of the Attorney General of this State are divided with reference to 3.65 bonds, as savings banks securities, that have been issued to cover Haussmanic operations in the District of Columbia; and the tax payers of Brooklyn are undergoing another throe from the public works of that city, one pang being caused by the patent wooden pavements that reached there from Chicago, and that have afflicted the municipalities of the country as an epidemic during the last few years.

A bill for another patent pavement, to be laid in Fifth avenue, was introduced in the Assembly the present year by a city member, who afterwards became the Republican candidate for Secretary of State. The project failed through remonstrances against it from the principal property holders on the avenue, and the strenuous opposition of the chairman of the committee to which it was referred, who ran at the late election as the Democratic candidate for Senator, in a strongly Democratic city district, and was defeated through an agreement between the Republican and Anti-Tammany parties in favor of a German candidate for the office, who was elected. The circumstances attending this defeated attempt to contract for a patent pavement in the city, at the expense of its tax payers, through special legislation at Albany, indicate political currents in City and State that party traditions and prejudices serve to conceal, and partisan cries to divert public attention from. And they suggest to the party defeated in the city election, under the odium of its alleged responsibility for the reduction of the wages of the laborers on the public works to market rates, and of its being controlled by a "one man power," that, to succeed honorably, its efforts for administrative reform must be accompanied by efforts at least as great for reform that shall be organic.]

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"There is no truer measure of the sagacity of a statesman than the sureness of judgment with which he selects the problems which ought to be solved while he is in power."—*New York Herald*, Nov. 20, 1875.



# STATE BOUNTIES FROM CITY LEVIES,

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A general sense of injury from the administration of the City Government pervades the community, and the question is often mooted—what to do about it legislatively. The writer purposes to solve that apparent difficulty; and, confident that the remedy herein suggested contains a principle indispensable to the security of local self-government that is lacking in the government of the city, he invites the freest criticism of it. The position here assumed should not be thought bold, when it is considered that the plan does not include any principle that is not now, or that has not ever been since the organization of the State, in successful operation in most of its local administrations. Nothing more original is claimed than the suggestion of an expedient by which this principle, which has singularly fallen into disuse in the city, may be restored to its service.

In this endeavor to make obvious the political expediency of such restoration of the principle, a brief reference to constitutional and legislative provisions concerning it seems appropriate. Commencing with the amendment in the constitution, adopted in 1822, of the provision that voters should have a property qualification, attention is directed to the circumstance of property holders in municipalities, and elsewhere, being left by that instrument in the legal exercise of many powers similar to those here suggested for them, and of which no constitutional provision has since deprived them. Cleaning the streets of the city by resident property holders, who performed their share of the work individually, by causing the streets to be swept in front of their respective dwellings, was one of those powers, in-

stead of the work being done, as the law now requires, under the more immediate control of the whole body of constitutional voters of the city, and paid for out of the general taxation. The population in 1822 being far less numerous, and far more homogeneous than at present, and the expenditures then required in the exercise of the powers referred to being comparatively trivial, it seems evident that any necessity which then existed for the limitation has not diminished, while the legislative action through which such restraints in the administration of the affairs of the city have been removed, appears to have been the result of inadvertence rather than of design. "It is not almost credible to foresee," says Coke, "when any maxim or fundamental law of this realm is altered, what dangerous inconveniences do follow."

Out of the city, in the villages, owners of lots are accustomed to grade and otherwise improve the sidewalks fronting their properties, at their own expense, by means of labor hired by themselves individually, and under village ordinances, governed by a statute requiring such performance of the work by them; and in the adjoining City of Yonkers, the same principle is found in similar practical operation in the prosecution of municipal improvements. A marked instance of greater restraint in the affairs of local government, by the will of the people of the State, is found in the general statutory provisions under which villages are incorporated, and by which all persons, except owners of property liable to be assessed for taxes, are restrained from voting for appropriations of money for village purposes. Under these provisions, voters in the villages who are not property owners, are denied a vital legislative power which is conceded to the other voters therein, whose property is liable to be assessed for taxes. A similar legislative power is also given especially to property owners by one of the recently adopted constitutional amendments, by the concession to owners of property of the privilege of vetoing projects for railroads through streets and avenues on which their properties front. In this instance, ownerships of property so situated prevail over similar ownerships of superior numbers, when ownerships of inferior numbers represent properties of superior value.

In the system proposed, no concession of such legislative

power to the property holder, nor of power to do public work as an individual as fully as was allowed in the earlier days of the municipality, and is allowed now in innumerable instances, is intended to be suggested. In accordance with a maxim of wide acceptance, that the government is best which governs least, and approaching as near as seems practicable to a principle generally operative in the town governments of the State, of personal service in lieu of taxes for highway labor, the idea is simply to devolve on the general body of resident owners of real estate in the city (where, as may be properly remarked here, voters are not assessed for labor or its equivalent as they are in respect to highway labor in the towns) the execution in an incorporated capacity of certain work connected with their real estate, precisely as directed by the legislative power, whether exercised immediately by the State, or under its authority by a local council chosen by the popular suffrage usual for the election of such bodies; through an executive department elected by said real estate owners, and similar in its operation to the department maintained at present by the city corporation for the prosecution of such work; and in lieu of said owners paying into the public treasury the money that would be required from them if the work should be performed in the present manner, under the more direct influence of partisan managers. The system proposed aims to abate the Communism which has come in vogue in the existing municipal system, and by which the property accretions of industry, thrift and enterprise in the city are alienated and dissipated in the interests of partisanship in national politics which are not confined to a particular political party.\* This pernicious prevalence has long been

\* "The testimony brought before the Committee of the Senate that is investigating our municipal affairs serves rather to verify facts well known to our citizens than to disclose novelties. That the work performed by the laborers employed on city improvements is slow, lazy and expensive, has become an everyday observation of our tax payers. The contrast was very strikingly shown between such performance and genuine work when the labor on the Fourth Avenue improvement was going on simultaneously with that of laying street pipes in the vicinity. The men at work for the railroad kept steadily at their labor. The pick and shovel were handled with a will. The excavation deepened and lengthened, the stone and brick for the tunnel were laid, in all the daylight hours, without cessation. The finished work actually seemed to grow before the eyes of the spectator. But where the city's laborers were, close by, there was a scene of a totally different character. It looked more like the show of labor that is sometimes performed on the stage, or like grown up children playing at work. In lifting their shovels, each with about enough dirt on the blade to cover it, in swinging the pick, in



endured as a grievous burden on the citizens, and as a reproach to the city, but without disclosing the appearance of an accurate comprehension of the cause of the evil, in the Constitutional

trundling a pailful on a wheelbarrow, the action was so deliberate that it seemed as if timed to slow music. One spectator described it as like the swing of a two-minute pendulum. At frequent intervals there would be a complete stoppage; half a dozen or more of the 'laborers' would saunter off together to the water pail; every time a train passed the whole gang ceased their exertions and turned to look at it; and at noon and at 5 o'clock they quitted their work with a punctuality that was often ahead of time. A sight that would have been ludicrous if it were not so sad, was the operation of pumping water where it had settled in a gully. The pump needed a long, fast stroke; with the lazy movements of the men not one stroke in half a dozen caught the water or lifted it to the spout. This is not an exceptional case. Just such work—if it can be so called—may be seen daily in new streets and up town boulevards. It is the consummate flower of laziness. Citizens who have watched it year by year, say that it now surpasses everything they have seen in the art—for it is an art that new laborers do not at once acquire—of dawdling. Perhaps it has reached its limit of development; indeed, any more ridiculous pretence of labor is scarcely conceivable. The day labor system serves political purposes more readily than the contract plan; the laborers have votes: there are scores of men employed in overseeing their work, or pretending to, in keeping records, and the like. *Hence the labor of our city has become a part of the political machine.* It is by no means certain that smashing the machine would mend matters. It is, however, only too evident that things are not in a way to better themselves. There is no prospect of improvement under the day labor system. There is just a bare possibility that honest work might sometimes be got by contract. *A choice of evils is the best that our municipal institutions offer.*"—*New York Tribune*, Oct. 23, 1875.

"Debt and taxes have been increasing together in New York at a rate which fills property holders with alarm. Rents have fallen and are still falling, while in the general dulness of trade payment even from good tenants becomes more than ever uncertain. It is no secret that a number of capitalists have begun to withdraw their investments in New York real estate, because the boundless waste of the city government, the reckless increase of the city debt, and the constant menace of redoubled extravagance in a community where the taxes are paid by one class of persons and spent by another, are fast making houses and lots the least remunerative and most unstable class of property. The tax payers in such a state of affairs ought to look sharply to the protection of their imperiled interests; but what have they done in the present campaign? A large part of them—all the Republican part—have been led by the nose into an alliance with their very worst enemies, and we find them to-day shouting hurrah, so to speak, and generally making idiots of themselves over the 'workingmen's candidates,' who have no other principle under heaven except to increase the expenditures upon public works for the benefit of drones, dead beats, and subsidized voters."—*Tribune*, Nov. 1.

[It seems to be generally believed that partisan leaders are accustomed to arrange public matters for their convenience in preference to that of the public; and it would be probably no injustice to attribute a recent cry for the amelioration of the system of conducting the public works of the city through a freer resort to contract work (under which the grossest abuses have been experienced), to their efforts to reconcile public opinion to a continuance of their control of them. But the main question with the citizens is that of devolving the office of making contracts for the work on officers elected by those whose property is held legally liable for the expense of it; and that question should be kept constantly in mind until the point is gained. To substitute for it legislation in favor of contract work under the present exceptional and unjust system in the city, would be false statesmanship.]



Amendments and frequent legislation resorted to for its abatement. Without apparently noticing that existing laws had qualified a large element of the city population to exercise a control over expenditures of money which had never been exercised relatively by a similar element in the rural districts of the State, and consequently had provided for the growth of the vast body of officials of a high grade, and quasi-officials of a low grade, organized as the efficient cohorts of faction in connection with the spoliation of the city, through its public works, the "decentralizers" in the Constitutional Convention of 1846 precipitated on that exceptional, centralized and vicious condition of the city suffrage the election of judges and public prosecutors. Such elections have been remarked often as resulting far less satisfactorily in the city than in the rural districts, and the occasion was evidently that State laws had inconsiderately rendered the political conditions of the localities contrasted so essentially different. As if to increase the confusion, honest party competition—a manifest utility—was for a long time made impracticable in the city through the artifice of bi-partisan commissions, which were sophistically sustained as "non-partisan," and maintained by the State as measures of "Administrative Reform," from 1847 until the contrivance resulted naturally in the "Ring" of 1870, and in a bi-partisan Court of Appeals of the State projected, and elected in the year last mentioned, under "Ring" influences, and now returned to plague some of its inventors while pleasing others of them.\* Among those who guided in silence the springs of this corrosive, bi-partisan bureaucracy, were presidential aspirants in the several parties. On the political executors of those of them who have passed away devolves the graceful office of reparation. Those of them who remain are not to be envied while contemplating

\* The political condition of the city rapidly retrograded during the quarter of a century that this "strange device" of the Excelsior State was upheld. A pretence that this assistance to partisan collusion was "non-partisan," aided a few party leaders supported by it, and sustained on their opposite sides through defective and fraudulent primary elections, to govern the city by the *plebiscite*, and thus to wield its powers to advance their ambitious designs. Remarkable fruits have just been manifested from another and recently adopted legislative device affecting the city government, in a unanimous declaration by the Board of Aldermen that the people having declared against the wisdom of the reduction of the wages of laborers by the heads of the several departments, and that the duty of public officials being to recognize as "final and conclusive the decision of the sovereign people," the Common Council, in their name, demand that said heads of depart-

the ruin in Nation, State and Municipality their political maladroitness has promoted; justified by the example here set, the freedmen exercise a control of money expenditures for local purposes in Southern cities that is not exercised relatively by the rural population of the State of New York, whose blood and treasure helped to free them. (See Appendix.)

As palliatives of the abnormal condition of the city, public confidence has been occasionally entrapped for such unsatisfactory devices as Know-Nothingism, which appeared to contemplate circumstances of birth as qualifying one person to control the property acquisitions of another, to the exclusion of the latter; and reform parties, which were non-representative in their system of organization, and which offered mere personal prestige as a fit substitute for the safer municipal system required; and local associations, organized as defences against partisan abuses and the Communism elsewhere referred to, but often managed to advance, by legislation and otherwise, the interests of particular owners of property controlling them; and Commissions by the State, also elsewhere referred to, and constructed after British models, but with the essential difference that, for the steady authority guiding the British establishment, the driftings of all the primary elections of the State were substituted. By this latter device, all persons residing in the villages of the State organized under the general statute for the incorporation of villages, and who, not being owners of property liable to be assessed for taxes, were, according to the provisions of that statute, disqualified from voting for appropriations for village purposes where they resided, were fully qualified to vote for the members of the State government controlling all such State Commissions for municipal government in New York City, and settling the sums to be expended annually for the city.

ments "restore, without delay, the wages of the public laborers to their former standard" (in advance of the rate now paid laborers employed on similar private works). The countenance here given by the Republican minority in the Board to a Communistic distribution, under a cover of public employment, of the moneys raised by levies on the homesteads and other property in the city, contrasts sharply with pretensions, that are frequent, of the conservatism of Republican administrations of its affairs. But this unanimous action of the Common Council is beneficial in exhibiting the working of the recent legislative artifice, before referred to, and resorted to as a Republican measure to force the elect of national party caucuses into offices of municipal control in contempt of the popular will, as expressed by a majority of the voters, and under the plea of promoting "minority representation" in the Board as a "check on the majority."

This is only one of many similar inequalities by which the city has been constrained to suffer most severely; one injury from this being that the pay rolls of the city departments have swarmed with officials placed there through controlling political influences elsewhere in the State; and another, that the tax levies for the city, fixed at Albany from year to year, have been enormously increased through the same influences, and without the consent or knowledge of the citizens when so increased. A very bad effect of this eccentric method of municipal government has been that the influences which controlled the State Legislature also controlled the Executive Departments of the City Corporation, and by their patronage of them, helped them to control, in a very large degree, the supervisory or legislative department of the city—a transposition that recalls the homely figure of “putting the cart before the horse.”

This topsy-turvy condition of the city government was apparent recently, when the aldermen were considering the propriety of passing an ordinance requiring that persons on the pay rolls of the executive departments should not so continue and reside elsewhere than in the city that was taxed to pay them, and were flouted with a sturdy denial of their power to enforce such an ordinance—the Legislature, as was claimed, having committed this matter to the sole discretion of each chief in his department. This must be accepted as the law on the subject, because so enacted; but for the legislation of this character which largely swells the annual session laws to the unwieldy bulk they present, anarchy, in the uniform of the State of New York, would be a more fit definition.

At last questions of municipal regulation, too long suffered by the citizens to be regarded as petty in their nature, and treated by the politicians controlling them as mere instruments for the accomplishment of their designs, assume prominence among the leading considerations of the time, and with their grave importance illustrated by the derangement of the principal municipal systems of the Union through national political sway over them. This sway, therefore, becomes of the greatest significance in the determination of a method to maintain the municipality in its proper structural relation to the other parts of the American political system; and in estimating the extent and



force of this sway, due regard must be paid to the tendency of the national political power, through its massive and august composition, to overshadow and overpower other political powers. This engrossment is accomplished partly through the national governmental organization—and more effectually and injuriously through the national party, an unfailing tendency of which, no matter what its name or professions, has been proven amply by the people's experience to be the domination of the political powers of the States. Such domination is what is often recognized and deplored as "the interference of politics with municipal matters." How to avoid it, therefore, becomes a question of inestimable consequence, and particularly to the industrial classes of the city, because through this domination they are liable to bear unjust burdens arising from the municipal derangements produced by it, and which are too often imposed on them by the dexterity of professional politicians acting in the interest of men of large wealth and influence who are not commonly regarded as politicians, and who would dislike to be recognized as such. Moreover, important and necessary public works are often delayed, or not prosecuted, and thereby the laboring man is without the employment they would afford, because property holders who are not opposed to a speedy advancement of such works, but who dread the delay, extravagance, and other injustice of the existing system, successfully oppose their prosecution solely through fear of such abuses. This disturbing consideration has, doubtless, been one of the most formidable obstacles to the completion of a road, or way, by the municipal corporation, suitable for rapid transit over it through the city. Except the better regulation of the suffrage, there is nothing the people require more than this, if only for the accommodation of commercial travellers seeking this market, and of other visitors seeking the city's various attractions. The stupendous injury from this deficiency to the city, and the responsibility for it, were ably presented in a letter of an intelligent and public spirited citizen to Mayor Wickham a few days before his inauguration. The *Times* admitted the forcible appeal to its columns, but with no warmer commendation of its object than what follows: "While the justice of Dr. Clowes's plea of urgency for supplying this island with facilities for cheap and



rapid communication is beyond all question, the people of this city have had too costly experience of the danger of entrusting public works, even of trifling magnitude, to the management of politicians, to view with anything short of apprehension the saddling of New York with the task of providing out of its public funds its means of quick transit. \* \* \* Dr. Clowes must know that any argument drawn from the precedent of the Erie Canal hardly fits his case. Conceding that great work to have been economically constructed, its recent management has been equally characterized by wastefulness and systematic corruption. The simple folks of De Witt Clinton's time had but a faint conception of the science of jobbery as developed by the modern Canal Ring." What the *Times* says here about the Canal Ring leads the public mind to the circumstance that elsewhere than in the great and much abused city there is pressing need of better financial methods in the management of the public works.

Who is willing that the youth in whose welfare he feels interested, shall be educated in the duties of private and public life under the example and influence of such administration of public works as the city presents? What must be the ultimate judgment on a system, which, besides paralyzing public improvements, offers such powerfully organized temptation to the perpetration of fraud? Would the leaders of the party called Democratic, and which especially advocates Home Rule, hesitate to acknowledge that the system of public works, including street opening, street cleaning, etc., as it has long existed in the city, has made the maintenance of local self-government here precarious, by making the exercise of it appear not respectable? Can they soon or safely forget their frequent occasions to deplore the influence of this reputation on the political course of the nation? Can the leaders of the party called Republican fail to realize that national party sway over municipal or local affairs is a dangerous perversion of the American political system, and that practices growing out of it often lead to the disgraceful overthrow of the party held responsible, involving wide spread mortifications and defeats, which often fall most severely on those who are not individually most deserving of them?

There is no purpose here to assume that any municipal system

can exist without occasional blemishes, but any such in the system intended for adoption would be met by the censure of an intelligent, interested, and well organized opposing force—a natural, necessary and efficacious means for the correction of public errors. On the other hand, the municipal system at present existing, peculiarly subject as it is to national party sway and partisan collusions, is constrained to respond to the will of an entirely independent and irresponsible controller of its conduct.

The conclusion seems unavoidable, that national safety and municipal safety alike require that united systematic effort be made to separate the affairs of the municipality as far as practicable from the domination of national partisanship and from the influence of national politics. To accomplish this it is proposed to render available here the principle shown to be of common application to local affairs in this State, by making the opening, grading, sewerage, paving, lighting, repairing, and cleaning of the streets and avenues, and all analogous duties specially appertaining to real estate, a direct charge on the real estate in the city, to be executed through a department elected by the resident owners of the real estate as an incorporation, and according to the strictest requirements of the legislative authority controlling the subject.\* The patronage of this work is now made to support the ambitions and aspirations of the controllers of national party power in the primary elections, which have become a scandal to Republican institutions. Remitting the performance of the work in the manner proposed to those through whose direct payments it is maintained, would afford incidental purification to the primary elections of the national parties to a very wide extent, by withdrawing this monstrous local spoil from the exciting complications of those contests;

\* Gas companies and railroad corporations in the city have long been privileged to execute such work required to be done at their expense; and a select order, incorporated by the State and self-perpetuating, has long exercised an influence over public works connected with the homesteads of the city that their owners do not possess, but should exercise. This political order was enabled, with the assistance of eight hundred public officials in semi-military array, and maintained at the city's expense by the State, to suppress a political meeting in the city at which it was expected that influential remonstrance would be made against a revision of the city charter that was in contemplation, and that was soon afterwards accomplished by both parties in the Legislature consenting thereto, to gratify a request of the "Ring." This enactment—the charter of 1870—will be remembered long, on account of its disastrous consequences to the city.

and the elections incidental to the separated local duties would then be confined to citizens more easily identified than is possible in the present political confusion, because the number would be less and of a class generally well known. Frauds in these elections by false personation, or frauds in the canvass, would, therefore, be more difficult than now ; a vote falsely cast would be more rare. To the popular assemblages springing out of such an organization, an intelligent body of citizens largely comprising the industrious, the thrifty, and the enterprising, would be attracted instead of being repelled, as notoriously multitudes of such are by the present conduct of the primary and public elections. This arrangement would bring these citizens to a natural organization of municipal power, interfering with the rights of no one, adequately protected, having sufficient dignity and influence, and forming a council from which the public expressions of a numerous body of the citizens who are in many respects practically disfranchised would go forth in an orderly and impressive manner.

In effect, the disused principle of the town meeting, which is a natural school of American statesmanship, would be restored in the only way the principle seems available for the City of New York, where its operation, guarded in the manner suggested, becomes an absolute requirement of the public safety, owing, among other things, to the great number and compactness of the criminal, the vicious, the idle, the indifferent, and the transient in its population, as voters, and as persons not entitled to vote. Experienced and sagacious statesmen recognize this need, even when they do not point out the readiest means at hand to satisfy it. Governor Tilden referred to it in his remarks to the Young Men's Democratic Club, concerning his failure in 1867 to find a suitable person under fifty years of age to nominate for a State office. "I have no doubt," he said, "there were such men, but there had been no opportunity to train them, and there had been no opportunity to discover them. We had had no schools of statesmanship in this country; there are no statesmen of the younger class to carry on the government." In this presentation of the situation there is something worthy of the attention of optimists, and persons accustomed to soothe legitimate agitation for governmental improvement with their



"guess" that public affairs will "come all right by and by," and without any one troubling himself about them.

Taking as the basis of the proposed arrangement all the competent citizens who reside and pay taxes on real estate in the City of New York, the body would include persons of quite limited means, as well as persons of large wealth, with all the intervening grades, and females as well as males, and it would be quite as representative of the interests of all classes of the citizens as any political organization now existing in the city. The number should be protected by legislation, as necessary, from additions on frivolous or fictitious pretences; this being assumed to be entirely practicable, in the belief that the people, if after due consideration of the merits claimed for the proposed system they conclude to put it in practice, will not hesitate to maintain the few guards necessary to preserve it from abuse.

For the discharge of the duties to devolve on the Incorporated Real Estate Owners, an executive head and a supervisory board, to be elected by them annually, is suggested. These officers should have powers conferred on them similar to those now exercised by heads of city departments over similar work, and including the power to raise the necessary funds, levy assessments, permit owners to execute work, &c. The supervisory board might also be authorized to exercise a useful power in investigating the affairs of other city departments when deemed expedient; and the action such a body would be prompted to advise from time to time, concerning public affairs beyond their direct control, would doubtless prove of great value to the city and to the State. The direct action of the real estate owners as a body on the matters here proposed to be remitted to their charge, would of course be confined to elections for the official organization indicated. The person elected to the offices created should hold them subject to conditions similar to those existing with reference to the city officers now discharging the duties they would assume.

It would be erroneous to confound this proposition with another, which seems inexpedient and futile, for excluding non-tax payers from the municipal elections. The principle is, that the property owners shall do the work required by the public authorities chosen by free suffrage, as at present, to be done



at their (the property owner's) expense, and the election here suggested is to promote the convenience of the public in the matter as well as their own. The voting element in the ordinary elections for city officers would remain as now established, based on free suffrage. And it is believed that the strength and dignity which would be added to the Aldermanic Council, and other municipal bodies, through the regulation and purification of the suffrage which this plan would accomplish, would be of the greatest service as arguments for defending the free suffrage now enjoyed from the diminution with which it is threatened on account of its alleged corruption. This general municipal improvement that is anticipated would also avoid the demoralizing effects to the State, and to the city, of the capricious interferences with the city government which now occur in the legitimate exercise of the State's supervision, and under the seeming justification of existing local misrule.

The methods which should compel the incorporated property holders to perform the duties devolved on them might then be left, safely and consistently, to the discretion of the local legislative department, which would be in constant supervision of the subject, and at the same time wisely removed from immediate temptation by the enormous expenditures involved.

It is submitted that those who support the system proposed, which embraces a more direct application of the means at command to the ends required, and, consequently, greater economy in the application of power, oppose the Communism that appears in the present municipal government; and that all those who do not support it, sustain such Communism to the extent of their influence so withheld. Judging from the experience of the French, Communism is a pretty sure precursor of Imperialism. In a government based on free suffrage, the phase of Communism the city presents cannot but be regarded as a virulent political disorder, of which a symptom, in an advanced stage, is a seizure of the powers of the people by those charged with their protection. This symptom has already appeared in the bi-partisan boards and commissions, and in their congeneric "rings." But this is only a foretaste of the usurpation which must come, unless the people anticipate it by reforming their public affairs according to the dictates of enlightened experience.

That which originated through inadvertence, or mere indiscretions of partisans, seems to have merged in a dangerous confusion of popular intelligence, respecting relative political rights and duties, producing violent prejudices and hostilities, the origin, nature and tendencies of which seem to be but imperfectly comprehended. What is most to be feared in this condition of affairs is, that Communism and partisanism taking advantage of the difficulties, will succeed in effecting an arrangement of them to their mutual satisfaction, and to the injury of free suffrage; to avoid which, those who would promote order in the city, based on the regulation and purification of the electoral privilege, should organize for that purpose without delay, and without distinction of party, and insist on the legislative securities which are here shown to be their need and their right.

To accomplish what is here suggested as requisite to maintain Free Suffrage, with order, in this, the exemplar city of the Union, should not be regarded as difficult; the accomplishment would be a natural sequence of a solemnly reiterated promise of the Democratic party of the State "to limit and localize most jealously the few powers entrusted to public servants;" and it would be in harmony with the aspirations of the Republicans of Massachusetts, in their platform of principles, recently adopted, for "the security of personal rights under local self-government." The omission of such a declaration or aspiration in the platform of principles of the Republicans of the State of New York, recently represented at Saratoga, is noticeable. But as its apparent design was one of party managers only, with reference to a control of the city by them at variance with ideas of municipal government held as fundamental, and to be so respected, by vast numbers of Republicans in the State and out of it; and which has since been discountenanced by a majority of the popular vote in favor of the Democratic proposition of regulated Home Rule, deference from those managers to this decision of the sovereign people of the State, on this question of vital importance to municipal order, under Republican institutions, may reasonably be expected—and equal to that deference the Republican Aldermen have just shown to the popular vote of the city, in accepting its recent expression as a "final and conclusive decision of the sovereign people" in favor of restoring, "without delay, the wages of the public laborers to their former standard."

And, besides, the control of both branches of the Legislature, soon to assemble, has been entrusted by the people to the Republican party, under its solemn pledge to them, through its State convention, to favor every political reform.

The Anti-Tammany party is a political organization with a new name; but in its councils are many who are not unknown nor inexperienced in politics. It has obtained representation in the Legislature as a pronounced adversary of the "one man power" in party direction, and it should, therefore, lend its aid to amend there the public conditions on which all such obnoxious powers in city politics principally depend, and which are presented in the preceding dissertation for such correction.

The injuries to the municipalities from National Partisanism and its protean parasite, Personal Rule, promise to be more considered in the future political determinations of the country than they have been in those of the past.

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## APPENDIX.

An indication of insufficient consideration given to the extension of national party sway over municipal affairs, in connection with the admission of the freedmen to the suffrage, appears from an editorial article in the *New York Tribune* of January 8, 1868. "Ask the Chief Justice of the United States," wrote the editor, "if all men ought to vote without limitation, either as to education or property; and he answers, 'Certainly; voting is the simplest of all matters. Men do not vote for measures, nor even for principles, but only for one of two political parties, and the most ignorant knows with which party his immediate interests lie.' The popular vote," remarked the editor, "is not designed to teach statesmanship, nor to solve intricate questions of any kind, for these are never submitted directly to the mass of voters. It is designed to tie statesmen and politicians to the people's interests, not to supply them with the knowledge how those interests can be served, for that is in all cases better understood by those who make a special life study of it than by those who give their time to a thousand other kinds of business, and are prevented thereby from becoming experts in statesmanship.\* But all men," con-

\* Views differing from those of the *Tribune* above given, concerning the influence on affairs of "the popular vote" and "statesmen and politicians," respectively, were expressed by the *New York Evening Post* of November 22, 1875, as follows:

"It is sometimes said that the war of the rebellion and the political controversy which led up to it were singularly barren of conspicuously great men. Without inquiring how far this assertion is true, it is easy to see why it might be true to a great degree. The opposition to slavery and the military struggle which was its inevitable outgrowth, were peculiarly a popular movement. The resistance to the slave power was the simple result of the awakening of the



cluded the editor, "know what their personal interests demand." Nowhere in this remarkable article, nor in the public opinion the writer of it led, did there appear a suggestion, as far as is known, that the legislation those editorial and popular influences supported, and which secured to the freedmen the suffrage they enjoy, would also secure the share of party power that it has secured them in excess of such power possessed by large numbers of citizens of the State of New York, because of their being restrained by its laws, as not being property holders, from exercising a voting influence over property in the towns and villages of their residence, such as freedmen who are not property owners exercise in Southern communities. Would the editor have made the paper responsible for an article like the one here quoted, after "that famous editorial pledging the *Tribune* to impartial and independent journalism," which appeared in its columns on the day after the Presidential contest of 1872?

Should the people submit to a depositing of the political eggs of Nation, State and Municipality in a single basket, and confide the precious deposit to "statesmen and politicians," presumed by the *Tribune* of 1868 to be tied to the people's interests by some mysterious knot, not clearly explained to them, and whom, according to that authority, "the popular vote is not designed to teach statesmanship, nor to solve intricate questions of any kind!" for the juvenile game of "open your mouth and shut your eyes and you'll get something to make you wise," would fitly picture their lapse into second childhood.

Had the great preacher of Brooklyn remained constant to his call for a parley concerning the sojourn in a wilderness of preparation of the blacks released from bondage, that was sounded in his Cleveland letter in 1866, and had the nation thus been drawn to lend a more attentive ear to his warning, how much more wisely the enfranchisement of the freedmen might have been arranged on a basis of "equal and exact justice to all!"

conscience of a people. The war in which it culminated was prosecuted under the impulse of a popular outburst of patriotism. It is true that conscience and patriotism were reinforced by an intelligent apprehension of the real interest of the country, but this motive was no less of the people than were the others. Probably in no other revolution were eminent leaders less needed. In none other have the people been in so remarkable a way their own leaders. They did not need to be told which was the right side when the line was plainly drawn between the Union and Slavery. They did not need to be marshalled on the way to it. The people were, indeed, before rather than behind their nominal leaders. President Lincoln was always conscious of this fact of popular leadership, and of his own position and duty in respect to it, and often avowed his obedience to its control. \* \* \*

"Many of the men who were conspicuous in public life in the period which ended with the peace of 1865 came there upon the platform of a simple moral question. They had to make a mere choice of sides between the Union and Slavery. We would detract nothing from the credit which belongs to them for making the right choice; but it was not an act of statesmanship to make it, nor did it require the capacity or training of a statesman. Some of them were good men and rendered excellent service, but they were not necessarily great men. When put to the test of new questions and a changed condition of affairs they failed, as the blunders of reconstruction and the drifting of the country for ten years after the war without an economic policy painfully prove. While the discussion of the extension of slavery was going on, and while the war lasted, the country abounded in 'statesmen.' When slavery had been abolished and the war fought out, when statesmanship was most needed, there was a sudden and surprising dearth of statesmen. Political leaders, conscious of their incapacity to deal with the novel questions of the present and the near future, were compelled by sheer necessity to keep alive the partisan differences of the past."